

INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SUPPLEMENTAL SHEET)

International Application No.
PCT/CH2004/000476

Re Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: EP-A-0 152 943 (NEXUS APS) 28th August 1985 (1985-08-28)
- D2: EP-A-0 948 904 (ULICE S A) 13th October 1999 (1999-10-13)
- D3: WO 02/32229A (KING LUIS ROBERTO; EKBERG ANDERS (CH); NESTLE SA (CH); ANDERSEN ERIK) 25th April 2002 (2002-04-25)
- D4: DE 28 37 294 A (SODES SA) 15th March 1979 (1979-03-15)
- D5: GB-A-2 039 206 (GRIFFITH LABORATORIES) 6th August 1980 (1980-08-06)
- D6: US-A-5 433 966 (WOLT MICHAEL ET AL) 18th July 1995 (1995-07-18)
- D7: EP-A-0 570 580 (HUMAN JOHAN LEONARD) 24th November 1993 (1993-11-24)

2. The present application does not meet the requirements of Article 33(1)PCT because the subject matter of claims 1, 3-9, 11, 13 and 19 is not new in the sense of Article 33(2) PCT.

2.1 With regard to the assessment of the novelty of the present claims, reference is made to the PCT examination guidelines of the WIPO, especially to subpoints 5.20 to 5.23 of chapter 5 of Part II (see also on the internet under the following address: http://www.wipo.int/pct/en/texts/gdlines_parts.htm).

In agreement with the definition of the guidelines, claim 1 is interpreted such that the term "pre-dough concentrate" does **not restrict** the claim. Consequently, any product which comprises the

three components specified in claim 1 should be regarded as novelty-damaging regardless of which type of product it is,

Similarly, claim 13 is interpreted so that only the said process step must lead to a (thick-liquid to solid-pasty or suspension-like) mixture of the three components specified in claim 1 which then *per definitionem* (see claim 1 and its interpretation) is to be regarded as a process step.

Which products the person skilled in the art generally associates with the term "pre-dough concentrate" is unimportant in the interpretation of claim 1 insofar as claim 1 merely defines this in terms of three components and uses no further technical features for definition.

2.2 Further, it should be mentioned here that the process steps of fermentation and cooling are certainly specified in the dependent claims 15 and 16 but clearly are not measures important to the invention. Otherwise, the independent process claim 13 would have to be formulated accordingly in order to satisfy the condition for complete incorporation of all features important to the invention (see sub-point 5.33 of the aforesaid PCT examination guidelines of the WIPO).

2.3 Document D1 discloses (see Example 2) a method in which a mixture of wheat flour and wheat bran is mechanically-thermally pre-treated at 150°C in an extruder, the extrudate is processed with, among other things, water, yeast, rye flour and wheat flour to form a dough and the dough is baked. The dough contains about 6.2% extrudate.

The subject matter of claims 1, 3, 5-7, 9, 11, 13, and 19 is therefore not new (Article 33(2)PCT).

2.4 Document D2 discloses (see Examples 1 & 2; claim 1; §§ 18 & 23) a method wherein maize flour is treated hydrothermally at 220°C where for example 37% starch conglutination takes place. After grinding to particle sizes of 200 micron for example, the "HF" flour obtained is processed to form a dough using wheat flour, water,

sugar, yeast etc. and the dough is baked into bread. The subject matter of claims 1, 4, 5, 8, 9, 11, 13 and 19 is thus not new (Article 33(2)PCT).

- 2.5. Document D3 discloses (see Example 1) a method in which partly pre-boiled maize grains are softened in an alkaline solution, ground wet or dry and processed to form a dough by adding water, yeast and fat. The thermally mechanically pre-treated maize is present in a weight fraction of about 40% in the dough which is clearly used to produce baked products. The subject matter of claims 1, 3, 5, 9, 13 and 19 is therefore not new (Article 33(2) PCT).
- 2.6 Document D4 discloses (see Example 1) a method in which a mixture of wheat bran, wheat flour, wheat gluten, salt and yeast is blended with water in an extruder, heated to 170°C and pressed through the extruder mouthpiece.
The subject matter of claims 1, 5-7, 9, 11, 13 and 19 is therefore not new (Article 33(2) PCT).
- 2.7 Document D5 discloses (see Example 1; claims 1 & 14; page 1, line 130 – page 2, line 18) a method in which a mixture of flour (e.g. wheat and rye flour), yeast and water, among other things, is heated to 50°C in an extruder, extruded and then baked.
The subject matter of claims 1, 5, 6, 9, 11 and 19 is therefore not new (Article 33(2) PCT).
- 2.8 Document D6 discloses (see Examples 11 & 12; column 4, line 60 – column 6, line 25) a method in which thermally (e.g. at 128°C) pre-treated wheat flour is processed with water, salt and yeast to form a dough and the dough is baked.
The subject matter of claims 1, 7, 9, 11, 13 and 19 is therefore not new (Article 33(2) PCT).
3. The dependent claims 2, 10, 12 and 14-18 contain no features which in combination with the features of any claim to which they relate meet the requirement of the PCT in relation to inventive step.
The reasons for this are as follows:

The dependent claims 2, 10, 12 and 14-18 relate to slight variations of the product according to claim 1 or the method according to claim 13 which are within the limits of those which the person skilled in the art usually undertakes on the basis of the usual considerations for him, especially as the advantages achieved thereby are easily seen. Consequently, the subject matter of said claims is also not based on any inventive step.

4. Document D7 which is regarded as the nearest prior art in relation to claim 20 discloses (see claim 1) a method for producing baked products from yeast dough using pre-dough from which the subject matter of claim 20 differs in that the pre-dough or the pre-dough concentrate contains thermally modified ground cereal products. The subject matter of claim 20 is therefore new (Article 33(2)PCT).
- 4.1 The object to be solved by the present invention can thus be seen as providing a method for producing baked products from yeast dough using a pre-dough which (1.) requires less time and financial expenditure than the known lever and pre-dough methods and that (2.) at the same time allows baking agents to be dispensed with.
- 4.2 The solution for this object proposed in claim 20 of the present application is based on an inventive step (Article 33(3) PCT) for the following reasons:
The use of thermally modified ground cereal products as a component of a pre-dough concentrate from which a final dough is produced by blending with flour, water and salt is not disclosed or made obvious in the prior art.
- 4.3 Claim 21 is dependent on claim 20 and thus likewise meets the requirements of the PCT in relation to novelty and inventive step.

Claims

20. A method for producing baked goods, preferably bread, characterised in that a pre-dough concentrate according to any one of the preceding claims is blended with flour, water and cooking salt to form a final dough and is processed in direct dough guidance.
21. The method according to claim 19, characterised in that a fraction of 1.5 to 5 wt.% of pre-dough concentrate according to any one of claims 1 to 12 is processed to form a final dough using wheat flour.